

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE: ) CASE NO. 19-12150-WHD  
 )  
**TALLAPOOSA RENEWABLE GREEN )  
ENERGY, INC. )  
 )  
**Debtor.** )**

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**NOTICE OF HEARING**

*(First and Final Fee Application for Debtor's Counsel: \$18,858.42)*

PLEASE TAKE NOTICE that Debtor's counsel has filed a FEE APPLICATION and related papers with the Court.

PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on this Fee Application in Second Floor Courtroom, Lewis R. Morgan Federal Building, 18 Greenville Street, Newnan, GA at 10:10 am on February 12, 2020

Your rights may be affected by the court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the court to grant the relief sought in these pleadings or if you want the court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least two business days before the hearing. The address of the Clerk's Office is Clerk, U.S. Bankruptcy Court, Suite 1401, 75 Spring Street, Atlanta, Georgia 30303.

You must also mail a copy of your response to the undersigned at the address stated below.

By: /s/  
Howard P. Slomka, Esquire  
Georgia Bar #652875  
3350 Riverwood Pkwy  
Suite 2100  
Atlanta, Georgia 30339  
Attorney for Debtor

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE:	)	CASE NO. 19-12150-WHD
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TALLAPOOSA RENEWABLE GREEN	)	
ENERGY, INC.	)	
	)	
Debtor.	)	

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**FIRST AND FINAL APPLICATION FOR COMPENSATION FOR  
CHAPTER 11 LEGAL FEES DUE TO DEBTOR'S ATTORNEY  
FROM PETITION THROUGH JANUARY 8, 2020**

*(Total payment sought: \$18,858.42)*

COMES NOW Busch, Slipakoff, Mils & Slomka, LLC (the “Law Firm”), Attorneys for Debtor, and files this Post Filing Application for Chapter 11 Legal Fees Due to Debtor’s Counsel (this “Application”) and in support thereof respectfully shows as follows:

1. The Law Firm has represented Tallapoosa Renewable Green Energy, Inc. (“Debtor”) since the date of filing the Petition on October 30, 2019. Employment of Law Firm as Debtor’s counsel was sought on December 17, 2019 in the Amended Application to Employ Debtor’s Counsel (Doc. No. 29).

2. Law Firm makes this First and Final Application for the allowance of interim compensation for pre-confirmation professional services rendered to Debtor from the date of Chapter 11 petition preparation and filing through and including January 7, 2020 (the “Period”) pursuant to 11 USC § 330 and 331.

3. On January 7, 2020, the Court entered its Order appointing Chapter 11 Trustee (Doc. No. 43) which therefore terminates Counsel’s representation of the Debtor in Possession.

4. Since filing this case, the Law Firm has had numerous conferences and meetings with Debtor, creditors and accountants of Debtor, attorneys for creditors and with the US Trustee's office with reference to this case and has filed appropriate pleadings and attended hearings and performed other services necessary to the proper administration of the estate.

5. Significant time has been devoted to the exploration and explanation of the relationship of two individuals (Lee Bagley and Robert Rampley) to the Debtor entity, and to explaining the absence of the beneficial owner of the Debtor. His absence created the need for several depositions and for holding open the meeting of creditors.

6. From October 30, 2019 through January 7, 2020, the Law Firm has incurred fees in the amount of \$18,858.42.

7. All services for which compensation is requested were performed on behalf of the Debtor and not of any other party, creditor, persons or party in interest.

8. The time expended by Law Firm and the work performed is duly itemized and set forth in the "Accounting" attached here to as *Exhibit A* and incorporated herein.

9. The out-of-pocket expenses incurred by the Law Firm during the Period are also set forth in the Accounting. The copy costs are charged at the rate of \$0.10 per page. Mailing and service costs are charged at the rate of \$1.50 per small envelope or \$2.25 for large envelopes, or \$1.00 over actual postage for oversize, overnight, or special delivery items. Total costs sought are

      ZERO      .

10. Westlaw access, legal research, PACER (waived), and printing charges from GA Superior Court Clerks Cooperative (waived) for real estate records are reasonably estimated by the Law Firm to be \$       ZERO      .

11. Law Firm has made no prior application for fees in this case, and will make no follow-up applications.

12. No agreement or understanding exists between Law Firm and any other person for the sharing of compensation received or to be received for services rendered in connection with this case.

13. Law Firm shows that it has expended a total of 45.04 hours in law firm time for the client.

14. Law Firm respectfully requests this Court to allow such sums as Chapter 11 compensation, and to authorize the estate to pay the Law Firm \$18,858.42.

15. Law Firm holds a retainer in the amount of \$ 15,576.33 in its trust account and seeks Court approval to disburse this retainer to Law Firm.

16. Law Firm makes the following representations with respect to the 12-part Johnson test:

(a) Time and Labor Required. Law Firm has expended a total of 45.04, hours during the Period, at the following rates:

<u>Individual</u>	<u>Hourly Rate</u>
Howard P. Slomka, Esq.	\$425.00
Adam Slipakoff, Esq.	\$350.00
Fernando Bustelo (Paralegal)	\$225.00

(b) Novelty and Difficulty of Questions Presented: Debtor is a corporation which owns a 270,000 sf warehouse and leases to two tenants. Debtor is also a judgment debtor on a \$2 Million judgment which is currently under appeal.

- (c) Skill Requisite to Perform Legal Services Properly: Law Firm respectfully represents to the Court that it possesses the knowledge and skill to perform the legal services required by Debtor and has represented both Debtor and creditors in similar cases before this Court and others.
- (d) The Preclusion of Other Employment Due to Acceptance of This Client: Law Firm respectfully represents that the time dedicated to serving and visiting this client could have been dedicated to serving other clients of the firm, but for the demands of this case. This is all the more so due to the fact that Firm founder Howard P. Slomka performed the bulk of the legal services personally.
- (e) Customary Fee for the Type of Services Rendered: Law Firm shows that the fees shown in the Accounting \$425.00 per hour for attorneys and \$225.00 for paralegals represent fees customary for representation of clients in Chapter 11 bankruptcy cases.
- (f) Whether Fee is Fixed or Contingent: Law Firm's fees are subject to Court review and approval under 11 USC 330, and to Debtor's ability to pay. As such, collection is not definite, and the fee is not entirely fixed or contingent, but shares characteristics of each.
- (g) Time Limitations Imposed By Client or Other Circumstances: Law Firm shows that many of its tasks were performed under strict time limits and in preparation for hearings with set times. The filing of the original case was demanding, and involved considerable first day motions and hearings.
- (h) Amount Involved and Results Obtained: Law Firm filed a Chapter 11 case to save Debtor, and reorganize its operations. The Plan has not been filed yet.

- (i) Experience and Reputation of Attorneys: Law Firm respectfully represents that it has significant experience and respect of peers and others in the legal community. Howard P. Slomka has practiced in Atlanta since 1996, is licensed in two states, and presently serves as partner of the law firm Busch, Slipakoff, Mills & Slomka P.C. Mr. Slomka also served as General Counsel of a Hotel Holding Company that has navigated through a successful Chapter 11 reorganization under his leadership. Law Firm represents both debtors and creditors in cases filed under Chapter 7, 11, and 13.
- (j) Undesirability of the Case: This factor is not usually applicable to Chapter 11 cases, other than to point out that the Debtor is in the real estate investment and management business. By filing this case at the pre-foreclosure judgment stage brought by its main creditors, Law Firm has provided a valuable service to Debtor, and therefore to the larger pool of creditors as well.
- (k) Nature and Length of Professional Relationship With Client: Law Firm has represented Debtor since filing this case.
- (l) Awards in Similar Cases: The fees sought in this Application are significantly lower than would be expected in similar cases. This is due to the fact that Law Firm has only charged for the time spent by Howard P. Slomka, and has not charged for many phone calls and routine follow up matters as an accommodation to Debtor. As a professional practice, Mr. Slomka does not bill his clients for cell phone calls taken during a commute, and this is when he speaks with Debtor most regularly.

WHEREFORE, Law Firm prays that it be allowed Chapter 11 compensation as follows:

- (1) \$18,858.42 for legal fees incurred during the Period;
- (2) \$ 0 for costs incurred on behalf of Debtor;
- (3) Law Firm shall be entitled to disburse and apply its retainer in the amount of \$15,576.33 toward the amount earned by Law Firm, and to seek the balance of \$3,282.09 plus any future bills due from representing the Debtor from the Debtor or its principal or from other third party payors directly.

Respectfully Submitted,  
BUSCH, SLIPAKOFF, MILLS &  
SLOMKA, PC  
Attorney for Debtor

By: /s/ Howard P. Slomka, Esquire  
Georgia Bar #652875  
3350 Riverwood Pkwy  
Suite 2100  
Atlanta, Georgia 30339  
Attorney for Debtor

**EXHIBIT A**

**Busch, Slipakoff, Mills & Slomka, LLC**  
**Time Activities by Client Detail**

Chapter 11 Case 19-12150

**TALLAPOOSA RENEWABLE GREEN ENERGY, INC.**

Activity: All Dates

Activity Date	Employee	Product/Service	Memo/Description	Rate\$	Duration in hours	Amount
CHAPTER 11 PETITION FILED						
10/30/2019			Prepare IDI and Schedule papers for client(45 mins); transmit and set up appointment for review and signing. (15 mins).	425.00	1	\$ 425.00
11/04/2019	Howie Slomka	C11 Attorney Services	Conf with clients to go over IDI papers and prepare schedules. Review corp books and records; Explain BK process to Rampley and Bagley; prepare schedules and notices; TC appellate counsel; review POA; online research into entities and good standing	425.00	3	\$ 1,275.00
11/08/2019	Howie Slomka	C11 Attorney Services	Review and compile schedules and IDI papers (1 hour); emails with client (30 mins)	425.00	1.5	\$ 637.50
11/11/2019	Howie Slomka	C11 Attorney Services	Calls and emails with client and insurance agent to find coverage (form out of office) GRATIS Draft Appl to employ (45) finalize and file schedules (2:30) TC client re insurance (30) review file and prepare docs for delivery to UST(1:00)	425.00	0	\$ -
11/13/2019	Howie Slomka	C11 Attorney Services	Prep for and attend IDI with client (2 hrs); assist with insurance requirements and contacts (20 mins);	425.00	4.75	\$ 2,018.75
11/14/2019	Howie Slomka	C11 Attorney Services	THUR: seek creditor counsel consent to withdrawal of interpleader funds (45); emails and calls. Review case file -30 - File appl to employ -30 assist with insurance matters -30 review TMTD; tc client re insurance and 341 mtg	425.00	0.75	\$ 318.75
11/20/2019	Howie Slomka	C11 Attorney Services	Prep opposition to TMTD;	425.00	2.75	\$ 1,168.75
11/21/2019	Howie Slomka	C11 Attorney Services	File and serve opposition to TMTD; Prepare, draft, file and serve Motion to Incur Debt related to Insurance Premium Finance Agreement.	425.00	1.5	\$ 637.50
11/26/2019	Howie Slomka	C11 Attorney Services	Print notice and mail to contacts on the matrix	425.00	0.25	\$ 106.25
11/27/2019	Howie Slomka	C11 Attorney Services	Prep for and attend 341 meeting (2:30); respond to creditor and UST requests from mtg (30 mins),	425.00	1	\$ 425.00
12/04/2019	Howie Slomka	C11 Attorney Services	Conference with co-counsel regarding 341 hearing and strategy	350.00	0.6	\$ 210.00
12/04/2019	Adam Slipakoff	C11 Paralegal Services	Prep for and attend depositions at UST offices with Bagley and Rampley;	425.00	8.33	\$ 3,540.25
12/16/2019	Howie Slomka	C11 Attorney Services	TUES prep for hrng and prepare and file new Form 2030scribing retainer; new appl to employ and motion to use cash collateral;	425.00	3	\$ 1,275.00
12/17/2019	Howie Slomka	C11 Attorney Services	Travel to Newnan to prep for and attend MTD and Motion to incur debt; plan and prep with client Lee Bagley; inform RR of results; Go over insurance and monthly operating report draft.	425.00	4.45	\$ 1,891.25
12/18/2019	Howie Slomka	C11 Attorney Services				

12/20/2019	Howie Słomka	C11 Attorney Services	Draft and file Amended Motion to Incur debt; file and serve. Review and file Operation report for November.	425.00	1.00	\$ 425.00
12/30/2019	Howie Słomka	C11 Attorney Services	Review pleadings; docket; TC with G Hayes re "trustee lite" concept in this case; Tc R Rampley Emails and ph calls re trustee appointment. Review "trustee lite" proposal from G Hayes - 30 mins; email UST and Creditor counsel- 15; tc with creditor trying to make claim for Levenson Law Firm	425.00	1.5	\$ 637.50
01/02/2020	Howie Słomka	C11 Attorney Services	TC with Gary Marshall and Greg Hayes; Email and TC client re unpaid ins bills.	425.00	1	\$ 425.00
01/03/2020	Howie Słomka	C11 Attorney Services	TC with to-be-appointed C11 trustee; arrange and prep for conf call; attend conf call	425.00	0.5	\$ 212.50
01/07/2020	Howie Słomka	C11 Attorney Services	NO FEE APPLICATION SUBMITTED FOR HOURS AFTER TRUSTEE APPOINTMENT	425.00	1.3333333	\$ 566.67
				<u>45.04433333</u>		<u>\$ 18,855.42</u>

Tuesday, Jan 14, 2020 06:55:48 AM GMT-8

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**TALLAPOOSA RENEWABLE GREEN )  
ENERGY, INC. )  
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**CERTIFICATE OF SERVICE**

This is to certify that I have this day served the foregoing FIRST AND FINAL APPLICATION FOR ALLOWANCE OF COMPENSATION FOR CHAPTER 11 LEGAL FEES DUE TO DEBTOR'S ATTORNEY THROUGH JANUARY 7, 2020 using the ECF system to all registered parties in interest

Dated this January 17, 2020

By: /s/ Howard P. Slomka, Esquire  
Georgia Bar #652875  
3350 Riverwood Pkwy  
Suite 2100  
Atlanta, Georgia 30339  
Attorney for Debtor